



State of Washington
PUBLIC DISCLOSURE COMMISSION

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9:30 a.m.
June 9, 2005

MINUTES – SPECIAL MEETING

Evergreen Plaza Building, Room 206
711 Capitol Way South
Olympia, Washington

COMMISSION MEMBERS PRESENT

Michael Connelly, Chair
Jane Noland, Secretary
Bill Brumsickle, Member
Ken Schellberg, Member

STAFF PRESENT

Vicki Rippie, Executive Director
Doug Ellis, Acting Asst. Director
Michael Smith, Chief Technology Officer
Nancy Krier, Senior Counsel
Linda Dalton, Sr. Asst. Attorney General
Ruthann Bryant, Secretary

The special meeting of the Public Disclosure Commission was called to order by Chair Michael Connelly at 9:30 a.m. in the Evergreen Plaza Building, Room 206, Olympia, Washington.

Commissioner Comments

With Chair Connelly's permission, Vicki Rippie noted that Ruthann Bryant has accepted a position at the Executive Ethics Board and thanked her for her hard work and dedication.

Citizens Comments/Concerns

No citizen comments or concerns were expressed.

Minutes

Motion 05-093

Moved by Commissioner Brumsickle, seconded by Commissioner Schellberg:

**The Commission adopts the minutes
of April 26, 2005, as written.**

The motion passed unanimously.

Election of Officers

Motion 05-094

Moved by Commissioner Schellberg, seconded by Commissioner Brumsickle:

The Commission elects Earl Tilly as Chair, Jane Noland as Vice Chair and Bill Brumsickle as Secretary of the Public Disclosure Commission effective July 1, 2005.

The motion passed unanimously.

Legislation

Nancy Krier summarized the 2005 Public Disclosure Act bill (HB 1758) and its impact on public agencies.

Advisory Matter

Doug Ellis reported on a request by the Progressive Party to use "P", "PP" and "Prog" as abbreviations and a moose with antlers as the official symbol of the Progressive Party that may be used in political advertising.

Motion 05-095

Moved by Commissioner Brumsickle, seconded by Commissioner Noland:

For purposes of political party identification in political advertising, the Commission approves P, PP, and Prog as abbreviations and a moose with antlers as the official symbol of the Progressive Party of Washington.

The motion passed unanimously.

Staff Reports

Executive Director

Vicki Rippie reported on the FY 2005 budget projections and updated the Commission on the process for rewriting Chapter 42.17 RCW.

Acting Assistant Director

Doug Ellis introduced newly hired Office Assistants Venus Bailey and Sharmaine Yarbrough and the new Investigator, Randy Unruh.

Chief Technology Officer

Michael Smith updated the Commission on the status of the ORCA project and discussed the IT Security Plan.

Electronic Filing Waiver Request
Les Thomas, Kent City Council

Doug Ellis reported that Les Thomas requests a waiver from the electronic filing requirement because he does not have access to the Internet.

Motion 05-096

Moved by Commissioner Brumsickle, seconded by Commissioner Noland:

The Commission denies Les Thomas a waiver from the mandatory electronic filing provision.

The motion passed unanimously

Reporting Modifications

New

*Donald Anderson, Candidate,
State Representative, 28th
Legislative District*

Kurt Young reported that Mr. Anderson requests an exemption from reporting the business and governmental customers of Tacoma Goodwill Industries where he is the volunteer President and a board member, and of CBM Systems, Inc., where he is a board member.

Motion 05-097

Moved by Commissioner Noland , seconded by Commissioner Brumsickle:

The Commission grants Donald Anderson the requested reporting modification.

The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.

The motion passed unanimously.

*Andrea Darvas, Judge, King County
Superior Court*

Kurt Young reported that Ms. Darvas requests an exemption from listing the address of her personal residence and two rental properties due to security and safety concerns.

The Commission requested that staff research security concerns and bring the matter back at a future meeting.

*Deborah Ehrlichman, Candidate,
Shoreline School District*

Kurt Young reported that Ms. Ehrlichman requests an exemption from reporting business and governmental customers of the law firm Dorsey & Whitney, LLP, where her spouse is a partner.

Motion 05-098

Moved by Commissioner Bill Brumsickle,
seconded by Commissioner Schellberg:

The Commission grants Deborah Ehrlichman the requested reporting modification.

The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.

The motion passed unanimously.

Renewal (with change)
*Robert Craves, Member, Higher
Education Coordinating Board*

Kurt Young reported that Mr. Craves' request has been removed from the agenda.

Renewals (no change)

Commissioner Connelly reported that King County Superior Court Judge Richard Jones and his spouse Leslie Jones are seeking a renewal of a modification from a portion of the F-1 reporting requirements. The renewals sought are identical to previous requests that have been granted since 2001.

Commissioner Connelly noted for the record that Judge Jones is currently presiding over two cases involving the PDC: *PDC v. Voters Education Committee*, and *Voters Education Committee v. PDC et al.* He also stated that the fact that Judge Jones is presiding over the cases is not relevant to the statutory factors governing the reporting modification process and the Jones' request will be reviewed in the same manner as other applicants under the statute.

Motion 05-099

Moved by Commissioner Bill Noland, seconded by Commissioner Schellberg:

The Commission grants Leslie Jones and Richard Jones the requested reporting modification.

The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.

The motion passed unanimously.

The Commission considered en masse the remaining reporting modification renewal requests with no changes.

Motion 05-100

Moved by Commissioner Schellberg, seconded by Commissioner Brumsickle:

The Commission grants reporting modifications as requested to Bruce Allen, William W. Baker, Richard R. Baldwin, William H. Gates, Sarah "Sally" Jewell, Richard A. Jones, Leslie D. Jones, Michael Kelley, Sr., Dan Kristiansen, Karen E. Lane, Kristine M. Mikkelsen, Linda Owings-Rosenburgh, Jay A. Reich, William D. Ruckelshaus, Mark Thompson, and Grace T. Yuan.

The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicants and that a limited modification would not frustrate the purposes of the act.

The motion passed unanimously.

Enforcement Matters
Requests for Reconsideration
Peter Hurley, Case #05-129

Kurt Young reported that a brief enforcement hearing was held on February 16, 2005, in which Mr. Hurley was found in violation of RCW 42.17.170 by failing to timely file the Lobbyist Expense Report. He was assessed a penalty of \$200. The form was filed on February 2, 2005.

Mr. Hurley provided a letter stating that he filed the report before he received the hearing notice and requested that the case be dismissed.

Motion 05-101

Moved by Commissioner Connelly, seconded by Commissioner Noland:

The Commission dismisses PDC Case #05-129, Peter Hurley.

Voting For: Commissioners Connelly, Noland and Schellberg.

Voting Against: Commissioner Brumsickle.

The motion passed.

Don Bivins, Case #02-286

Nancy Krier reported that an enforcement hearing was held on March 31, 2005 in which Chief Don Bivins was found in violation of RCW 42.17.130 for using public facilities to support a levy campaign by: authorizing a campaign brochure, using his Vancouver Fire Department vehicle to store levy campaign materials and handing out the materials to campaign volunteers while on duty, using his Vancouver Fire Department telephone on several occasions to discuss campaign related activities, and using his

Vancouver Fire Department computer to send campaign-related emails directly to others on approximately six occasions. He was assessed a penalty of \$1,000 with \$500 suspended.

Vancouver's Chief Assistant City Attorney, Judy Zeider, was present via telephone and requested that the Commission amend the order to clarify that Chief Bivins did not violate RCW 42.17.130 when he forwarded emails from his city computer to his home computer.

Motion 05-102

Moved by Commissioner Noland, seconded by Commissioner Schellberg:

The Commission reconsiders PDC Case #02-286, Don Bivins, and amends the order to read: "The Commission concludes that under the circumstances of this case, forwarding unsolicited emails to Respondent Bivins' home computer for later response on off-duty time was not a violation of RCW 42.17.130."

The motion passed unanimously.

Report
*WA State Democratic Central
Committee, Case #05-136*

Senior Counsel Linda Dalton summarized the case against the Washington State Democratic Central Committee for violations of RCW 42.17.080 and .090 by failing to timely disclose contributions received and debts and orders placed for the 2004 election. Ms. Dalton presented a Stipulation of Facts, Violations and Penalty.

Ms. Dalton also presented a separate Stipulation and Order on Disposition of Suspended Penalty that reinstates a \$100,000 suspended penalty from 2002.

Attorney Kevin Hamilton was present and stated that the violations were not intentional and were

self reported to the Public Disclosure Commission. He also noted that personnel changes have been implemented to ensure accurate reporting in the future.

Motion 05-103

Moved by Commissioner Brumsickle, seconded by Commissioner Schellberg:

In PDC Case #05-136, Washington State Democratic Central Committee, the Commission accepts the Stipulation of Facts, Violations and Penalty of \$85,000 and an additional \$2,500 in attorney fees and investigative costs.

The Commission also accepts the Stipulation and Order on Disposition of Suspended Penalty as presented.

The motion passed unanimously.

Hearing
American Cancer Society, Northwest States, Great West Division, Case #04-446

Phil Stutzman summarized the case against the American Cancer Society for violations of RCW 42.17.200 by failing to timely report grass roots lobbying expenses incurred during the 2004 legislative session and failing to timely report the receipt of contributions for the grass roots lobbying expenditures. Mr. Stutzman also presented a Stipulation of Facts, Violations and Penalty.

Advocacy Director for the American Cancer Society, David Delvallee, was present and stated that the American Cancer Society incorrectly believed that the ads were educational and not subject to reporting requirements.

Motion 05-104

Moved by Commissioner Noland, seconded by Commissioner Schellberg:

In PDC Case #04-446, American Cancer Society, Northwest States,

Great West Division, the Commission accepts the Stipulation of Facts, Violations and Penalty of \$7,500 with \$4,000 suspended.

The motion passed unanimously.

Motion 05-105

Moved by Commissioner Schellberg, seconded by Commissioner Brumsickle:

In PDC Case #04-446, American Cancer Society, Northwest States, Great West Division, the Commission dismisses the remaining allegations as outlined in staff's memo to the Commissioner.

The motion passed unanimously.

Executive Session

The Commission went into executive session at 11:25 a.m. to discuss pending and potential litigation with legal counsel.

Public Session/Adjournment

The Commission returned to public session at 12:00 p.m. and Commissioner Connelly adjourned the meeting. The next meeting is scheduled for Tuesday, July 26, 2005.

Approved by the Commission 9/15/05